

Introduced by Senator Perata

February 22, 2005

An act to amend Section 65105 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 967, as amended, Perata. Local planning: inspection warrants.

The Planning and Zoning Law authorizes local planning agency personnel, in the performance of their functions, to enter upon any land and make examinations and surveys, provided that they do not interfere with persons who are lawfully entitled to possession of those lands.

This bill would additionally authorize local planning agency personnel to request a specified inspection warrant ~~that only applies to the exterior of places, dwellings, structures, and premises and would specify the purposes for which planning agency personnel may enter any property.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65105 of the Government Code is
- 2 amended to read:
- 3 65105. In the performance of their functions, planning agency
- 4 personnel may do either of the following:
- 5 (a) Request an inspection warrant pursuant to Title 13
- 6 (commencing with Section 1822.50) of Part 3 of the Code of
- 7 Civil Procedure. ~~A warrant issued pursuant to this section shall~~

1 ~~apply only to the exterior of places, dwellings, structures, and~~
2 ~~premises. The warrant shall state the geographic area which it~~
3 ~~covers and shall state its purposes. A warrant may authorize~~
4 ~~planning agency personnel to enter property only to do either of~~
5 ~~the following:~~

6 ~~(1) Make examinations and surveys.~~

7 ~~(2) Determine if decisions made pursuant to this title have~~
8 ~~been complied with.~~

9 *Procedure.*

10 (b) ~~Subject—~~ *Where there is no reasonable expectation of*
11 *privacy, and subject to the limitations of the United States*
12 *Constitution and the California Constitution, in the performance*
13 *of their functions, planning agency personnel may enter any*
14 *property without hindrance or notice to do for either of the*
15 *following purposes:*

16 (1) Make examinations and surveys.

17 (2) Determine if decisions made pursuant to this title have
18 been complied with.